

1 Kevin P.B. Johnson (Bar No. 177129)  
QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
2 555 Twin Dolphin Drive, Suite 560  
Redwood Shores, California 94065-2139  
3 Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

4 Steven M. Anderson (Bar No. 144014)  
QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
5 865 S. Figueroa St. 10<sup>th</sup> Floor  
6 Los Angeles, California 90017  
Telephone: (213) 443-3000  
7 Facsimile: (213) 443-3100

8 Attorneys for Plaintiff Sony Corporation

9  
10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12 SOUTHERN DIVISION

13 SONY CORPORATION, A Japanese  
corporation,

14 Plaintiff,

15 vs.

16 VIZIO INC., A California corporation,

17 Defendant.

CASE NO. CV-01135-AHS-AN

**DECLARATION OF RORY S. MILLER IN  
SUPPORT OF SONY'S AMENDED NOTICE  
OF MOTION AND AMENDED MOTION  
FOR RECONSIDERATION OF TRANSFER  
ORDER**

[Concerns Order by the Honorable R. Gary  
Klausner Declining Intra-District Transfer]

**Judge:** Hon. R. Gary Klausner

**Hearing Date and Time:** January 5, 2009, 10:00  
a.m.

1           1.       I am a member of the bar of the State of California, of this Court, and  
2 an associate of Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel for Sony  
3 Corporation (“Sony”). I submit this declaration in support of Sony's Amended  
4 Motion for Reconsideration of Transfer Order. I have personal knowledge of the  
5 facts stated in this declaration, and if called upon to do so, could and would  
6 competently testify thereto.

7           2.       Sony Corporation (“Sony”) and Vizio Inc. (“Vizio”) met and conferred  
8 regarding Sony’s Motion for Reconsideration of Transfer Order on November 13,  
9 2008.

10          3.       Attached hereto as Exhibit A is a true and correct copy (without  
11 exhibits) of Sony’s Complaint for Patent Infringement against Westinghouse Digital  
12 Electronics, LLC (“Westinghouse”), dated June 16, 2008.

13          4.       Attached hereto as Exhibit B is a true and correct copy of Sony and  
14 Westinghouse’s Joint Stipulation for the Filing of Sony Corporation’s First  
15 Amended Complaint.

16          5.       Attached hereto as Exhibit C is a true and correct copy (without  
17 exhibits) of Sony's First Amended Complaint for Patent Infringement against  
18 Westinghouse, dated September 12, 2008.

19          6.       Attached hereto as Exhibit D is a true and correct copy (without  
20 exhibits) of Sony’s Complaint for Patent Infringement against Vizio, dated October  
21 10, 2008.

22          7.       Attached hereto as Exhibit E is a true and correct copy of the Notice of  
23 Related Case filed with the Vizio Complaint, dated October 10, 2008.

24          8.       Attached hereto as Exhibit F is a true and correct copy of the Civil  
25 Cover Sheet filed with the Vizio Complaint, dated October 10, 2008.

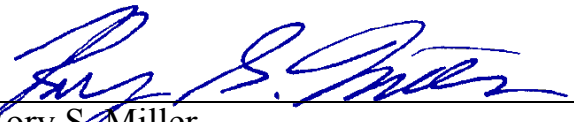
26          9.       Attached hereto as Exhibit G is a true and correct copy of the  
27 Complaint in *VIZIO, Inc. v. Sony Corporation et al.*, D.N.J. Case No. 08-5029,  
28 dated October 10, 2008.

1           10.   Attached hereto as Exhibit H is a true and correct copy of Judge  
2 Klausner's Order declining transfer of the Vizio action, dated October 24, 2008.

3           11.   Attached hereto as Exhibit I is a true and correct copy (without  
4 exhibits) of Sony's First Amended Complaint for Patent Infringement Against  
5 Vizio, dated November 14, 2008.

6           12.   Attached hereto as Exhibit J is a true and correct copy of a letter dated  
7 November 17, 2008 from Kevin P.B. Johnson to James L. Wamsley, counsel for  
8 Vizio, enclosing a covenant not to sue on United States Patent Nos. 5,285,285;  
9 5,212,554; 5,168,362; and 5,539,425.

10  
11 DATED: December 15, 2008

12  
13 By   
14     Rory S. Miller